

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Exhibit A

BAUTISTA REO PR CORP.,

Plaintiff,

v.

RUGAM CORPORATION, MORA
DEVELOPMENT CORPORATION,
ALEJANDRO RUBÍ CINTRÓN, HIS WIFE
MARIEL MARXUACH TORRÓS, AND THE
LEGAL CONJUGAL PARTNERSHIP RUBÍ-
MARXUACH, CLEOFÉ RUBÍ GONZÁLEZ,
HIS WIFE MORAIMA CINTRÓN ÁVILES,
AND THE LEGAL CONJUGAL
PARTNERSHIP RUBÍ-CINTRÓN.

Defendants.

Civil No. 16-02938

Re:

COLLECTION OF MONIES;
FORECLOSURE OF MORTGAGES
AND OTHER COLLATERAL

NOTICE OF PUBLIC SALE

TO: RUGAM CORPORATION, MORA DEVELOPMENT CORPORATION, ALEJANDRO RUBÍ CINTRÓN, HIS WIFE MARIEL MARXUACH TORRÓS, AND THE LEGAL CONJUGAL PARTNERSHIP RUBÍ-MARXUACH, CLEOFÉ RUBÍ GONZÁLEZ, HIS WIFE MORAIMA CINTRÓN ÁVILES, AND THE LEGAL CONJUGAL PARTNERSHIP RUBÍ-CINTRÓN.

TO: The GENERAL PUBLIC:

WHEREAS, A *Judgment* in favor of plaintiff, BAUTISTA CAYMAN ASSET COMPANY, now substituted by Bautista REO PR Corp. (“Bautista”) was entered on May 31, 2018, pursuant to certain *Stipulation for the Entry of Judgment* filed by the parties on May 22, 2018.

WHEREAS, pursuant to the *Stipulation for the Entry of Judgment*, Defendants agreed that they owed Bautista, jointly and severally, the total amount of \$3,270,695.76, which is composed of \$2,299,599.15 in principal, and \$945,671.82 in accrued interests, plus the amount of \$399.24

per diem for interest, but not including, among others, legal expenses.

WHEREAS, on January 31, 2021, Bautista filed a *Motion for Execution of Judgment*, whereby it requested the execution of the collateral related to the Loan Agreement, as defined in the Complaint, as satisfaction, to the extent possible, of the outstanding balances agreed to in the *Stipulation for the Entry of Judgment*.

WHEREAS, on April 21, 2021, this Court entered an *Order of Public Sale in Execution of Judgment* (Docket No. 94) and on April 22, 2021, the Court entered the corresponding *Writ of Execution* (Docket No. 95), granting Bautista's *Motion for Execution of Judgment* and allowing the public sale of the Real Property (as defined below).

WHEREAS, pursuant to the aforementioned Judgment, the *Order of Public Sale in Execution of Judgment* entered on April 21, 2021, and the *Writ of Execution* issued on April 22, 2021, the undersigned was ordered to sell at public auction, for U.S. currency in cash or certified check without appraisal or right of redemption to the highest bidder and at the Clerk's Office of the United States District Court for the District of Puerto Rico or any other appropriate location at the Special Master's discretion, to cover, to the extent possible, the sums adjudged to be paid to Bautista, the following real property (the "Real Property") belonging to and recorded in the name of Rugam Corporation.

The Real Property is described in the Registry of the Property of Puerto Rico, as follows:

Real Property 15,072:

-----**RUSTIC**: Parcel of land located in the Ceiba North Ward of the municipality of Juncos, Puerto Rico, with a Surface area of 406,521.6479 square meters, equivalent to 103.4302 cuerdas. Bordering on the **NORTH**, with lands of Altos de la Ceiba, Corp., and the Estate of Urrutia; on the **SOUTH**, with lands of Javier Rivera; on the **EAST**, with lands of Javier Rivera; and on the **WEST**, with lands of Altos de la Ceiba, Corp. This is the Remnant, according to deed number 9, executed in San Juan, Puerto Rico, on June 26, 2008, before Notary Yesef Yahir Cordero, and recorded at page 121 of tome 402 of Juncos, property number 15,072,

4th recordation.-----

-----The property number 15,072 is recorded at page 121 of volume 402 of Juncos, Second Section of Caguas, Registry of the Property of Puerto Rico.-----

The Real Property is located at PR 935 KM 2.4 Ceiba Norte Ward, Juncos PR.

The undersigned will execute the following mortgage, which has been duly endorsed in favor of Bautista REO:

- i. Mortgage in favor of Doral Financial Corp., or to its order, in the principal amount of \$3,075,000.00, and annual interests of 1% over the “Primer Rate”, due on demand, constituted pursuant to Deed Number 133 executed in San Juan, Puerto Rico on June 27, 2003 before Notary Public Manuel L. Correa Marquez, over a property number 15,072 recorded in the Registry of the Property of Puerto Rico, Second Section of Caguas, at page 121 of volume 402 of Juncos (“the Mortgage I”).

The Real Property is subject to the following liens recorded prior to the Mortgage I:

- i. Ease of way as servant lot.
- ii. Restrictive Conditions of construction and use.
- iii. Perpetual ease of way as servant lot, with a value of \$1,000.00, pursuant to Deed Number 6, executed in San Juan, Puerto Rico, on August 11, 2003, before Notary Public Roberto Corretjer Piquer, registered at volume 402 of Juncos, 1st registration.

The Real Property is subject to the following junior liens recorded after Mortgage I:

- i. Mortgage securing a mortgage note payable to the bearer, or to its order, in the principal sum of \$2,000,000.00, with an annual interest of 1% over the “Prime Rate”, due on demand, executed pursuant to Mortgage Deed No. 127, in San Juan, Puerto Rico, on December 8, 2004, before notary public Teresa Trujillo Ortiz, and recorded at page 121 of volume 402 of Juncos.
- ii. Notice of Complaint filed by Bautista Cayman Asset Company related to the instant case.

WHEREAS, all the bidders attending the public sale will accept as correct and sufficient the rights and titles previously described and listed as liens and attachments to the Real Property.

WHEREAS, pursuant to the *Judgment*, the *Order of Public Sale in Execution of Judgment*, and the *Writ of Execution*, the mortgage that will be executed is Mortgage I, as described herein.

Therefore, the correct minimum bid amounts to be accepted by the undersigned for the public sale of the Real Property, in accordance with the mortgage deed which Bautista will foreclose in this action (“Foreclosure Valuation”), are as follows:

Real Property 15,072

1. First public sale: \$3,075,000.00

The minimum bids to be accepted at the second and third auctions, in the event that the first and/or second public auctions are deserted, will be $\frac{2}{3}$ and $\frac{1}{2}$, respectively, of the Foreclosure Valuation.

WHEREAS, for the purposes of the judicial sale, the undersigned Special Master shall not accept in payment for the Real Property sold anything but United States currency or certified checks, except in the case of Bautista, as judgment creditor, in which case the amount of the bid made by it shall be credited to and deducted from the amount owed under the *Judgment*; Bautista being bound to pay in cash or certified check only any excess of its bid over the amount owed under the *Judgment*, then remaining unsatisfied.

WHEREAS, said sale to be made by the undersigned is subject to confirmation by the United States District Court for the District of Puerto Rico, and the deed(s) of conveyance to the Real Property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the undersigned Special Master, pursuant to the above, will proceed with the public sales of the Real Property (as described above), which shall be held on **July 2, 2021, at 10:00am** at Rondapro, E Street, Lot 3, Section 4, Los Frailes Industrial Park, Guaynabo, Puerto Rico 00969 (18,3699028-66.1126971). In the event that the public sales are deserted, a second auction will be held on **July 9, 2021, at 10:00am** at Rondapro, E Street, Lot 3, Section 4, Los Frailes Industrial Park, Guaynabo, Puerto Rico 00969

(18,3699028-66.1126971). In the event that the second auction is deserted, a third auction will be held on **July 16, 2021, at 10:00am** at Rondapro, E Street, Lot 3, Section 4, Los Frailes Industrial Park, Guaynabo, Puerto Rico 00969 (18,3699028-66.1126971).

WHEREAS, this notice will be published once a week for at least four weeks prior to the date of the sales, in a newspaper printed regularly and having a general circulation on the island of Puerto Rico, and will also be posted in three (3) public places of the Municipality of Caguas.

WHEREAS, written notice of the sales will be delivered by the undersigned Special Master to any occupants of the Real Property and the undersigned will conduct any necessary inspections thereof without breach of peace, also having authority to enter the common areas of the Real Property for those purposes.

WHEREAS, the undersigned Special Master will also provide RUGAM CORPORATION, MORA DEVELOPMENT CORPORATION, ALEJANDRO RUBÍ CINTRÓN, HIS WIFE MARIEL MARXUACH TORRÓS, AND THE LEGAL CONJUGAL PARTNERSHIP RUBÍ-MARXUACH, CLEOFÉ RUBÍ GONZÁLEZ, HIS WIFE MORAIMA CINTRÓN ÁVILES, AND THE LEGAL CONJUGAL PARTNERSHIP RUBÍ-CINTRÓN, with a copy of this notice by forwarding it through certified mail to their address of record.

WHEREAS, in order to vest the purchaser with the possession of the Real Property, the undersigned Special Master is authorized to, when required, proceed to evict the Defendants or any other person from the Real Property, and is further authorized to take all necessary measures, including but not limited to, forcing doors, breaking locks, removing personal or movable property, and performing any other act or taking any other measure necessary to fully comply with this order of eviction, without further requirements or additional order of the Court.

For further particulars, the interested parties may examine the case records and proceedings at the Office of the Clerk of the United States District Court for the District of Puerto Rico, Clemente Ruiz Nazario Courthouse Building, Fernando Chardón Street, San Juan, Puerto Rico.

In San Juan, Puerto Rico, this 2 day of June 2021.



Joel Ronda Feliciano
Special Master